REGULAR
COUNCIL MEETING
February 22, 1988

The regular meeting of the Elkton Town Council was held February 22, 1988 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, H. W. Leap, H. A. Leet and R. L. Snow. Councilwoman L. C. Life was absent. Dale Davenport, Attorney, Norma Leap, Clerk, Gerald Monger, Superintendent and Warren Pence, Chief of Police were also present.

Mr. Brooke Willson, President of the Elkton Progressive Improvement Committee was present and presented the following requests:

> "The Elkton Progressive Improvement Committee respectfully requests the Elkton Town Council for permission to close B Street, between Ashby and Terrace Avenues; Henry Street, between A and B Streets, and Heard Street, between A and B Streets, for Autumn Days 1988. Autumn Days will be held Saturday, October 15, and Sunday, October 16, 1988. We would like the streets closed to all except residential traffic from 5 p.m. Friday, October 14 to 5 p.m. Sunday, October 16, to set up booths, hold the festival, and take booths down.
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> A new EPIC project is Elkton Super Saturday, to be held Saturday, April 30th. We are working with local merchants, encouraging them to have a sidewalk and other special sales that day, and with local clubs and organizations to have money-raising projects around the town (bake sales, yard sales, etc.) We would like special permission from the Town Council to use East Rockingham Street, from Stuart Avenue to the town limits, for the first leg of a five kilometer walk and a ten kilometer run. The street would not be blocked off, but we would lead and follow the races with special vehicles. The merchants with businesses on or near East Rockingham have largely been contacted, and they are supportive of the event.
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> We have appreciated the support of the Mayor and the Council during our first year, and look forward to continued cooperation as we work for a better Elkton."

Mr. Willson stated he has talked with Chief Pence regarding the use of E. Rockingham Street to start the five kilometer walk and ten kilometer run and Chief Pence felt this would be okay.

Mrs. Barbara Dean was present to thank the town for cleaning off a section in her area and to ask if council had come to any conclusions regarding the parking situation at the Christophel apartments on Lucas Lane.

Mr. Monger reported that the Street Committee has been out to look at the situation but feels that there is not much that can be done. They feel concrete blocks would be more of a hindrance than help. They do plan to widen the pavement in the alley in the spring. At present the pavement in the alley is about 3½ feet on the land owner's property on the east side of the alley.

Mrs. Dean stated that when the town is working on the alley she would like the blacktop removed from her property. She also expressed concern that Mr. Christophel has obtained another building permit for another ten unit apartment in the same area within 100 feet of the corner. She feels this will create an even greater safety hazard. Mrs. Dean told Councilman Holt that she was satisfied with the garbage situation.

Councilman R. L. Snow moved, seconded by Councilman H. A. Leet and carried to approve the minutes of the regular meeting January 18, 1988.

Mr. Monger reported on a letter from Elkmont Partners requesting water and sewer connections to the Ashby Lam property on Sixth Street where they plan to build apartments.

Councilman H. A. Leet moved, seconded by Councilman H. W. Leap and carried to approve water and sewer connections to the property on Sixth Street on the same basis we approved prior requests to this property and to inform Elkmont Partners of the approval and stipulations in a letter.

Mr. Monger presented a request from Garland (Dan) Davis to resubdivide his property on Hillside and North Street so his daughter can build a house. Mr. Davenport was asked to check to see if this needs to go to a Public Hearing.

Councilman H. W. Leap moved, seconded by Councilman B. B. Holt and carried to grant the requests by EPIC as presented in their letter.

Councilman Leap reported that Councilwoman Life had called him and asked him to present that Allison Lawson of Elkton has entered a young authors contest. Her entry was a History of Elkton and Councilwoman Life felt council should invite Miss Lawson to the next council meeting to read her paper. Council was in agreement so Councilman Leap stated he would have Councilwoman Life invite Miss Lawson to the next meeting.

Councilman Leap stated that he and Councilwoman Life had discussed the purchase of Commonwealth Cablevision by Adelphia Communications Corporation and they feel it would be a good idea to have a representative of Adelphia come in and meet with council. Council also felt this would be a good idea so Councilman Leap stated he would contact Adelphia.

Councilman Leap reported that we are without a town electrician. Broadway Electric has agreed to help with any major problems and Bill Comer has also agreed to help out if needed. Kenneth Hammer is doing the daily read ins and outs and meter reading. The committee will be searching for an electrician.

Mr. Davenport reported that the request by Garland (Dan) Davis will have to go through the whole subdivision procedure.

There were no questions on the monthly police report. Chief Pence reported that the old police car has been sold for $150.00.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for January.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap and carried to transfer adequate funds from the Electric Department to clear out all intra-due and due from accounts and to transfer $40,000.00 to each of the General and Water Departments and credit $80,000.00 to the Electric Department.

Councilman Snow, on behalf of Mrs. Catherine Holmes, Government Teacher at Spotswood High School, expressed appreciation to the council for sponsoring a student to the Model General Assembly. One of the students will make a short report to the council after attending the assembly.

Mr. Monger reported that the urban highway project to put up railroad gates at the Marshall Avenue crossing is not going to cost as much as originally anticipated so there will be approximately a $14,200.00 carry over for next year. The next project which the State has indicated they would support would be the Route 769 Furnace Road Project. Our responsibility would be from Rockingham Street to the eastern corporate limits. We would need to submit our request by April 1st.

Councilman Leap felt council should give some consideration to upgrading our water and sewer lines in this area before or during the construction of this road. Councilman Leet stated the Water and Sewer Committee will be looking into this.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to adopt the following resolution:

TOWN OF ELKTON
PROJECT PROGRAMMING RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by council resolution be made in order that the department program an urban highway project in the Town of Elkton; now

THEREFORE BE IT RESOLVED, that the Town Council of Elkton, Virginia requests the Virginia Department of Transportation to establish a project for the construction of Furnace Road (extension of Route 759) from Rockingham Street to the eastern corporate limits.

BE IT FURTHER RESOLVED, that if the Town Council of Elkton subsequently elect to cancel this project, the Town of Elkton hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the department through the date the department is notified of such cancellation.

Adopted this 22nd. day of February, 1988.

Councilman Holt reported on where the Planning Commission stands at this point due to the work on the new zoning ordinances being disrupted by new organization in the Central Shenandoah Planning District. A new man from the CSPD is going to meet with the Planning Commission at their next meeting to discuss this. It is possible that the Planning Commission will have to go elsewhere to get this work completed. Rather than sit idle, the Planning Commission will be working on maps to implement the new ordinances.

Councilman Holt reported that about ten days ago he, along with Mr. Welty Hensley and Mr. Ditman Flory, attended a House Appropriations Committee meeting in support of a request by the Historical Society for a grant to help with the restoration of the Miller-Kite House. Emmett Hanger spoke on behalf of this request. If the grant is approved the Historical Society will be able to start doing some work on the house.

Councilman Holt reported that, in regards to Harrisonburg and Rockingham County receiving State Industrial Certification, Elkton will be a part of this certification information as Councilman Holt, Mr. Monger, Mrs. Leap and others worked to provide information on the Elkton area that went into this.

Councilman Holt stated that there is a need for clarification and real control regarding home occupation activity. He pointed out that a section will probably be added at the end to include a requirement for a business license. The following First Reading to amend Section 2 and 4 of the Zoning Ordinance was presented:

AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF ELKTON, VIRGINIA
AMENDING SECTION 2 AND 4 OF THE ZONING ORDINANCE

Be it Ordained by the Town Council of the Town of Elkton, Virginia:

Section 2. Definitions.

A new paragraph (28) shall be added to the existing Section to read as follows:

"(28) HOME OCCUPATION ACTIVITY. Home occupation activity is activity carried on solely by residents of the primary dwelling on a lot, which meet the following criteria:

a. the activity is incidental to the use of the premises as a dwelling;
b. no display of products is visible from the street;
c. the activity and storage of products or inventories is within a building;
d. the activity does not cause unreasonable noise, dust or fumes;
e. the activity does not result in an unreasonable increase of vehicular traffic on the street; and
f. not more than the equivalent of the area of one floor of the dwelling is used for the activity."

Section 4. A-1 Resident Uses.

A new paragraph (21) shall be added to the existing Section to read as follows:

"(21) HOME OCCUPATION ACTIVITY. The Town Council may grant a special use permit, upon reasonable conditions and terms it deems appropriate, if any, for the operation of such activity, upon notice and public hearing. Notice of the application and the hearing shall be given by the Town Council in a newspaper of local circulation once a week for two weeks, and the second date of publishing shall be no less than six days nor more than twenty-one days prior to the hearing. Written notice of the application and the hearing shall be given by the Town Council to each adjacent property owner and owners of lots located directly across streets or alleys from the property for which the permit is sought. Notice shall specify the time and place at which persons affected may appear and present their views. Applicants for each permit shall pay to the Town a uniform fee which shall be determined from time to time by resolution by the Town Council."

This amendment will go to the Planning Commission for their recommendation and there will be a Public Hearing.

Councilman Holt stated that because of growth the town needs to do something to regulate new apartments in prime residential areas. He presented the following First Reading to repeal Section 4(4) of the Zoning Ordinance:

AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF ELKTON, VIRGINIA
REPEALING SECTION 4(4) OF THE ZONING ORDINANCE
AND RENUMBERING SUBSEQUENT SUBSECTIONS IN SECTION 4

Be it Ordained by the Town Council of the Town of Elkton, Virginia:

Section 4(4) of the Zoning Ordinance, which provides for apartment houses in A-1 Residence Districts, is hereby repealed in its entirety. Numbered paragraphs following former paragraph (4) shall be renumbered sequentially beginning with number "(4)". The repeal of Section 4(4) shall not affect any apartment houses actually constructed or for which a valid building permit has been granted and not subsequently revoked.

This will go to the Planning Commission for recommendation and there will be a Public Hearing.

The Public Hearing was set for March 21st. at 7:00 P.M. before the regular council meeting.

Councilman Holt reported that they have a request to combine two lots, one of which is a corner lot, on Morgan Avenue & D Street. The owner wants to build apartments. There are a couple problems associated with this. You are essentially talking about a subdivision which may require a Public Hearing. The other thing is that Mr. Davenport feels what this amounts to is that you are changing the use that is permitted on the non-corner lot, that is in effect defacto rezoning. It was decided that this request will also be referred to the Planning Commission for recommendation and there will be a Public Hearing.

Councilman Leet reported that the water line has been put in under the railroad but has not been connected. They hope to complete this tomorrow morning.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to go into Executive Session to discuss possible litigation and possible acquisition of property.

Councilman B. B. Holt moved, seconded by Councilman H. W. Leap and carried to go from Executive Session back into Regular Session.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk